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10/763,484	01/23/2004	Nausheen Moulana	MWS-107	7031

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EXAMINER	
ZEE, EDWARD	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,484	MOULANA ET AL.	
	Examiner	Art Unit	
	EDWARD ZEE	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10 and 12-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10 and 12-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the amendments filed on January 11th, 2008. Claims 1, 10, 18 and 21-24 have been amended; Claims 9 and 11 have been cancelled; Claims 1-8, 10, 12-24 are pending and have been considered below.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 11th, 2008 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 4-8, 10, 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cookson et al. (5,896,454) in view of Ross (4,462,078).

Claims 1 and 21: Cookson et al. discloses a method and computer-readable optical medium containing instructions for preventing use of an unauthorized copy of a software program comprising the steps of:

a. determining a media type of an optical medium containing the software program [column 5, lines 23-27];

b. and inhibiting execution*(ie. further play is aborted)* of the software program stored on the optical medium by preventing execution of the software program if the optical medium has media type that indicates that the optical media is copied [column 5, lines 44-49].

However, Cookson et al. does not explicitly disclose searching for a file on an optical medium containing the software program prior to determining a media type of the optical medium and inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium.

Nonetheless, Ross discloses searching for a file*(ie. the coded information)* on a medium containing a software program and inhibiting execution*(ie. renders computer dis-functional)* of the software program stored on the medium if the file is missing*(ie. does not find the coded information originally inserted by the manufacturer)* [column 2, lines 11-50].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify the invention disclosed by Cookson et al. with the additional features disclosed by Ross in order to prevent using illicitly copied software, as suggested by Ross [abstract].

Claim 4: Cookson et al. and Ross disclose a method as in claim 1, and Ross further discloses that the step of inhibiting the execution of the software program comprises preventing execution of the software program [column 2, lines 41-44].

Claim 5: Cookson et al. and Ross disclose a method as in claim 1 above, and Cookson et al. further discloses that the step of determining the media type comprises inserting the optical medium in a drive of a computer and reviewing a medium-type code field contained in a mode parameter header*(lead-in section)* of the optical medium [column 3, lines 22-27].

Claim 6: Cookson et al. and Ross disclose a method as in claim 5, but does not explicitly disclose that the drive is a CD-R/W drive. However, it would have been obvious to one of ordinary skill in the art at the time of invention to use

a CD-R/W drive or any other optical media drive. One would have been motivated to do so in order to apply this method to other media formats.

Claim 7: Cookson et al. and Ross disclose a method as in claim 1 above, and Cookson et al. further discloses that a media type indicates that the optical medium is copied is one of a write-once media type and an erasable/rewriteable media type*(writeable disk)* [column 2, lines 24-25 and column 5, lines 39-48].

Claim 8: Cookson et al. and Ross disclose a method as in claim 1 above, and Cookson et al. further discloses the step of executing the software program stored on the optical medium if the step of determining determines the optical medium to be an optical read-only medium [column 5, lines 23-27].

Claims 10 and 22: Cookson et al. discloses a method and computer-readable optical medium containing instructions for authenticating an original optical medium comprising the steps of inserting the optical medium in a drive of a computer*(player/recorder)* and checking a media type of the optical medium [column 4, lines 64-67 and column 5, lines 23-27], but does not explicitly disclose that the drive is a CD-R/W drive. However, it would have been obvious to one of ordinary skill in the art at the time of invention to use a CD-R/W drive or any other optical media drive. One would have been motivated to do so in order to apply this method to other media formats.

Furthermore, Cookson et al. does not explicitly disclose searching for a file on an optical medium containing the software program prior to determining a media type of the optical medium and inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium.

Nonetheless, Ross discloses searching for a file*(ie. the coded information)* on a medium containing a software program and inhibiting execution*(ie. renders computer dis-functional)* of the software program stored on the medium if the file is missing*(ie. does not find the coded information originally inserted by the manufacturer)* [column 2, lines 11-50].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify the invention disclosed by Cookson et al. with the additional features disclosed by Ross in order to prevent using illicitly copied software, as suggested by Ross [abstract].

Claim 12: Cookson et al. and Ross disclose a method as in claim 10 above, and Cookson et al. further discloses that the step of checking a media type comprises reviewing a medium-type code field contained in a mode parameter header*(lead-in section)* of the optical medium [column 3, lines 22-27].

Claims 13-15: Cookson et al. and Ross disclose a method as in claim 10 above, and Cookson et al. further discloses:

a. the step of checking the media type comprises verifying that the optical medium has a read-only media type and that it is indicative that the optical medium is an original version*(pressed disk)* [column 5, lines 23-27];

b. the step of executing a software program stored on the optical medium if the optical medium has a read-only media type [column 5, lines 23-27] .

Claim 16: Cookson et al. and Ross disclose a method as in claim 10 above, and Cookson et al. further discloses that the step of checking the media type comprises identifying if the media type is one of a write-once media type and an erasable/rewritable media type*(writeable disk)* [column 2, lines 24-25 and column 5, lines 23-27].

Claim 17: Cookson et al. and Ross disclose a method as in claim 16 above, and Cookson et al. further discloses the step of inhibiting execution of a software program stored on the optical medium if the step of checking identifies that the media type is one of a write-once media type and an erasable/rewritable optical media type [column 5, lines 39-48].

Claims 18 and 23: Cookson et al. discloses a method and computer-readable optical medium containing instructions for preventing execution of an unauthorized copy of a software program stored on an optical medium comprising the steps of:

a. determining a media type of the optical medium [column 5, lines 23-27];

b. and executing the software program stored on the optical medium if the optical medium has a media type that indicates that the optical medium is an original version*(pressed disk)* [column 5, lines 23-27].

However, Cookson et al. does not explicitly disclose searching for a file on an optical medium containing the software program prior to determining a media type of the optical medium and inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium.

Nonetheless, Ross discloses searching for a file*(ie. the coded information)* on a medium containing a software program and inhibiting execution*(ie. renders computer dis-functional)* of the software program stored on the medium if the file is missing*(ie. does not find the coded information originally inserted by the manufacturer)* [column 2, lines 11-50].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify the invention disclosed by Cookson et al. with the additional features disclosed by Ross in order to prevent using illicitly copied software, as suggested by Ross [abstract].

Claim 19: Cookson et al. and Ross disclose a method as in claim 18 above, and Cookson et al. further discloses that a read-only media type indicates that the optical medium is an original version [column 5, lines 23-27].

Claim 20: Cookson et al. and Ross disclose a method as in claim 18 above, and Cookson et al. further discloses the step of inhibiting execution of the instructions if the optical medium does not have a read-only media type [column 5, lines 44-49].

Claim 24: Cookson et al. discloses an electronic device comprising:

a. memory for storing computer program instructions. The examiner notes that it is inherent for the device to have memory for storing computer program instructions if the device is executing the instructions;

b. a processor for executing the stored computer program instructions [column 4, lines 42-43];

c. and an optical drive*(player/recorder)* for receiving an optical medium containing a software program, the computer program instructions including instructions for determining the media type of the optical medium and inhibiting execution of the software program stored on the optical medium if the optical medium has media type that indicates that the optical medium is copied, but does not explicitly disclose that the optical drive is a CD-R/W drive [column 4, lines 40-42].

However, it would have been obvious to one of ordinary skill in the art at the time of invention to use a CD-R/W drive or any other optical media drive. One would have been motivated to do so in order to apply this method to other media formats.

Furthermore, Cookson et al. does not explicitly disclose searching for a file on an optical medium containing the software program prior to determining a media type of the optical medium and inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium.

Nonetheless, Ross discloses searching for a file*(ie. the coded information)* on a medium containing a software program and inhibiting execution*(ie. renders computer dis-functional)* of the software program stored on the medium if the file is missing*(ie. does not find the coded information originally inserted by the manufacturer)* [column 2, lines 11-50].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify the invention disclosed by Cookson et al. with the additional features disclosed by Ross in order to prevent using illicitly copied software, as suggested by Ross [abstract].

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cookson et al. (5,896,454) in view of Ross (4,462,078) and further in view of Granger et al. (6,480,959).

Claims 2 and 3: Cookson et al. and Ross disclose a method as in claim 1 above, but does not explicitly disclose that the step of inhibiting the execution of the software program comprises preventing execution of selected features of the software program by determining a set of features of the software program to execute.

However, Granger et al. discloses a similar method for controlling the use of computer programs and further discloses preventing execution of selected features of the software program by determining a set of features of the software program to execute*(ie. specifies particular applications features and enables or disables specific features)* [column 25, lines 27-30].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method disclosed by Cookson et al. and Ross with the features disclosed by Granger et al. in order to allow execution of specific features dependent on the application and/or users, as suggested by Granger et al. [column 25, lines 27-30].

Response to Arguments

6. Applicant's arguments with respect to claims 1, 10, 18 and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD ZEE whose telephone number is (571)270-1686. The examiner can normally be reached on Monday through Thursday 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EZ
April 19, 2008
/KIMYEN VU/
Supervisory Patent Examiner, Art Unit 2135